UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,755	11/03/2000	Hideaki Furukawa	03500.010563.1	4371

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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER
FENNEMA, ROBERT E

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _26 June 2009_.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _138-140_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _138-140_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   Claims 138-140 have been considered.

2.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/26/2009 has been entered.

3.   Applicant has stated that Claims 139-141, 143-145, and 147-149 have been cancelled, however, only claims 138-140 remain in the case. Examiner will interpret Claim 139 as Claim 142, and Claim 140 as Claim 146 for this action, but appropriate numbering is required in future actions.

4.   In the notice of non-compliance mailed on 10/30/2008, Examiner noted that all new claims must be with respect to the patent, and that the claims should have been indicated as "new" with the subject matter underlined. After speaking with a QAS, Examiner believes he was mistaken, and that what the Applicant had been doing prior to that action had been correct (indicating the claim as amended, previously presented, etc). Examiner apologizes for any inconvenience, and if Applicant has any questions, is welcome to contact the Examiner at the phone number listed at the end of this action.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 138-149 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Clark et al. (USPN 4,206,996, herein Clark), in view of Suzuki (USPN 5,270,775).

7.   As per claim 138, Clark teaches: A printing system including output control

apparatuses,

each output control apparatus comprising:

print counting means for counting a print count value indicating a number of

prints in response to delivery of a print sheet printed by the printer (Column 15, Lines

63-67);

first trouble counting means for counting a first trouble count value indicating a

number of print troubles of the printer (Column 16, Lines 15-30, the jam register pointer

counter);

second trouble counting means for counting a second trouble count value

indicating a number of print troubles which occur until the print count value counted by

said print counting means reaches a predetermined value (Column 16, Lines 15-30, the

jam copies counter);

determination means for determining whether or not the print count value counted by said print counting means reaches the predetermined value (Column 16, Lines 23-30, when the print counting means reaches a predetermined value (not zero), the second count means is reset);

initialization means for, if said determination means determines that the print count value counted by said print counting means reaches the predetermined value, initializing the second trouble count value counted by said second trouble counting means, without accepting a manual operation by the user (Column 16, Lines 23-30, when the print counting means is not zero, the second count means is reset), but fails to teach:

a plurality of output control apparatuses and an information processing apparatus communicating with the plurality of output control apparatuses via a network,

the information processing apparatus comprising:

reception means for receiving the trouble data from the plurality of output control apparatuses; and

selection means for selecting one of the plurality of output control apparatuses which has the smallest second trouble count value, based on the trouble data received by said reception means,

transmission control means for controlling transmission of trouble data including the second trouble count value counted by said second trouble counting means to the information processing apparatus via the network, without receiving a request for outputting the second trouble count value from the information processing apparatus, if

said determination means determines that the print count value counted by said print

counting means reaches the predetermined value.

Clark teaches counting a number of troubles that occur during printing, but does

not teach transmitting the data via a network, if the print count value reaches a

predetermined value. However, Suzuki teaches in Column 4, Lines 1-25, that it is

advantageous for information such as the number of paper jams in a copier (the trouble

count in the claims) to be sent out via a network to a host computer in order for

processing (Column 5, Lines 1-25). Additionally, after receiving the data from the

printer, the host processor is capable of selecting the printer with an error, and having it

transmit an error message or retry the operation (Figure 21, and Column 15, Lines 36-

65 and Column 16, Lines 14-17). It would have been obvious to one of ordinary skill in

the art to combine Suzuki with the teachings of Clark because the use of Suzuki could

provide Clark the ability to expand the system connection to a greater number of

workstations or terminals, and one of ordinary skill in the art should be able to recognize

the network of Suzuki could be applicable into the printer system of Clark in order to

provide the enhanced system connectivity, and since no specific network type has been

reflected into the claim, one of ordinary skill in the art should be able to recognize the

advantages of network application of Suzuki in general into Clark for achieving the

expanded network connection of Clark's printer machine.

8.   As per Claim 139, Clark teaches: A method of a printing system including a

plurality of output control apparatuses communicating with an information processing

apparatus via a network, the method of communicating comprising:

performing, by each output control apparatuses, the following:

a print counting step of counting a print count value indicating a number of prints

in response to delivery of a print sheet printed by the printer (Column 15, Lines 63-67);

a first trouble counting step of counting a first trouble count value indicating a

number of print troubles of the printer (Column 16, Lines 15-30, the jam register pointer

counter);

a second trouble counting step of counting a second trouble count value

indicating a number of print troubles which occur until the print count value counted in

said print counting step reaches a predetermined value (Column 16, Lines 15-30, the

jam copies counter);

a determining step of determining whether or not the print count value counted in

said print counting step reaches the predetermined value (Column 16, Lines 23-30,

when the print counting means reaches a predetermined value (not zero), the second

count means is reset);

an initialization step of, if in said determination step it is determined that the print

count value counted in said print counting step reaches the predetermined value,

initializing the second trouble count value counted in said second trouble counting step,

without accepting a manual operation by the user (Column 16, Lines 23-30, when the

print counting means is not zero, the second count means is reset), but fails to teach:

performing, by the information processing apparatus, the following:

a receiving step of receiving the trouble data from the plurality of output control

apparatuses; and

a selecting step of selecting one of the plurality of output control apparatuses

which has the smallest second trouble count value, based on the trouble data received

in said receiving step,

a transmission control step of controlling transmission of trouble data including

the second trouble count value counted in said second trouble counting step to the

information processing apparatus via the network, without receiving a request for

outputting the second trouble count value from the information processing apparatus, if

it is determined in said determination step that the print count value counted in said print

counting step reaches the predetermined value.

Clark teaches counting a number of troubles that occur during printing, but does

not teach transmitting the data via a network, if the print count value reaches a

predetermined value. However, Suzuki teaches in Column 4, Lines 1-25, that it is

advantageous for information such as the number of paper jams in a copier (the trouble

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65 and Column 16, Lines 14-17). It would have been obvious to one of ordinary skill in

the art to combine Suzuki with the teachings of Clark because the use of Suzuki could

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workstations or terminals, and one of ordinary skill in the art should be able to recognize

the network of Suzuki could be applicable into the printer system of Clark in order to

provide the enhanced system connectivity, and since no specific network type has been

reflected into the claim, one of ordinary skill in the art should be able to recognize the

advantages of network application of Suzuki in general into Clark for achieving the

expanded network connection of Clark's printer machine.

9.   As per Claim 140, Clark teaches: A memory medium, storing computer-

executable code for a method of a printing system including a plurality of output control

apparatuses communicating with an information processing apparatus via a network,

the method of communicating comprising:

        performing, by each output control apparatus, the following:

        a print counting step of counting a print count value indicating a number of prints

in response to delivery of a print sheet printed by the printer (Column 15, Lines 63-67);

        a first trouble counting step of counting a first trouble count value indicating a

number of print troubles of the printer (Column 16, Lines 15-30, the jam register pointer

counter);

        a second trouble counting step of counting a second trouble count value

indicating a number of print troubles which occur until the print count value counted in

said print counting step reaches the predetermined value (Column 16, Lines 15-30, the

jam copies counter);

a determining step of determining whether or not the print count value counted in said print counting step reaches the predetermined value (Column 16, Lines 23-30, when the print counting means reaches a predetermined value (not zero), the second count means is reset);

an initialization step of, if it is determined in said determination step that the print count value counted in said print counting step reaches the predetermined value (Column 16, Lines 23-30, when the print counting means is not zero, the second count means is reset), initializing the second trouble count value counted in said second trouble counting step (Column 16, Lines 23-30, when the print counting means is not zero, the second count means is reset), but fails to teach:

performing, by the information processing apparatus, the following:

a receiving step of receiving the trouble data from the plurality of output control apparatuses; and

a selecting step of selecting one of the plurality of output control apparatuses which has the smallest second trouble count value, based on the trouble data received in said receiving step,

a transmission control step of controlling transmission of trouble data including the second trouble count value counted in said second trouble counting step to the information processing apparatus via the network, without receiving a request for outputting the second trouble count value from the information processing apparatus, if it is determined in said determination step that the print count value counted in said print counting step reaches the predetermined value.

Clark teaches counting a number of troubles that occur during printing, but does

not teach transmitting the data via a network, if the print count value reaches a

predetermined value. However, Suzuki teaches in Column 4, Lines 1-25, that it is

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printer, the host processor is capable of selecting the printer with an error, and having it

transmit an error message or retry the operation (Figure 21, and Column 15, Lines 36-

65 and Column 16, Lines 14-17). It would have been obvious to one of ordinary skill in

the art to combine Suzuki with the teachings of Clark because the use of Suzuki could

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workstations or terminals, and one of ordinary skill in the art should be able to recognize

the network of Suzuki could be applicable into the printer system of Clark in order to

provide the enhanced system connectivity, and since no specific network type has been

reflected into the claim, one of ordinary skill in the art should be able to recognize the

advantages of network application of Suzuki in general into Clark for achieving the

expanded network connection of Clark's printer machine.

Response to Arguments

10.   On Page 9 of the Applicant's response, Applicant has argued that Clark does not

teach the second trouble counting means, because Applicant believes that neither the

jam copies counter, nor the jam register pointer counter corresponds to the second

trouble counting means. The claim requires that the second trouble counting means

indicates a number of troubles which occur until the print count value reaches a

predetermined value. Examiner believes that the jam copies counter is appropriate to

read upon this limitation, even given that it is constantly reset. The jam copies counter

keeps track of how many jams the copier had, and is reset when the job is done (See

Figure 18A), which is keeping track of an error, until a predetermined value is reached.

It may be reset once it reaches that predetermined value, but the claim does not require

it to keep track of errors past that point. If the count value is meant to be persistent, then

the claim language is ambiguous at best, and clarification may be appropriate.

11.   Applicant has also argued on Page 10 that Suzuki does not teach the newly

amended-in features for the claims, however, Examiner believes Suzuki does. Suzuki

teaches that multiple printers (output control apparatuses) can be connected to a host

computer, and transmit their data. Suzuki teaches, with Figure 21 illustrating, that after a

printer transmits its error data, it can be ordered to print an error message. Additionally,

as seen in Column 16, Lines 14-17 that it can be ordered to retry the transmission

operation, both operations of which require the printer to be selected, otherwise it

cannot be told what to do. It is true that in this case, every printer is selected, and not

only the one with the lowest second trouble counting means, but the claim does not

preclude that, as the claim does not say what is done as a result of the selecting

(Applicant suggests in the remarks that it is done to select the least-problematic printer

for printing, but this is not claimed), nor does it say that it is exclusively selected.

Clarification of these points may also result in the rejection being overcome

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to ROBERT E. FENNEMA whose telephone number is

(571) 272-2748. The examiner can normally be reached on Monday-Thursday, 9:30-

6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Eddie Chan can be reached on (571) 272-4162. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eddie P Chan/   Robert E Fennema
Supervisory Patent Examiner, Art Unit 2183   Examiner
                                                             Art Unit 2183

RF